



General Assembly

Distr.
GENERAL

A/41/778
31 October 1986
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Forty-first session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Situation of human rights in Afghanistan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in Afghanistan prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution 1986/40 of 12 March 1986 and Economic and Social Council decision 1986/136 of 23 May 1986.

As a cost-saving measure, supplementary material to the present report, including detailed information on the situation of human rights in Afghanistan that had formed an integral part of the report of the Special Rapporteur as submitted to the Secretariat, will be circulated to the Permanent Missions of the States Members of the United Nations in the original language of submission under cover of a note verbale.

ANNEX

Report on the situation of human rights in Afghanistan, prepared
by the Special Rapporteur of the Commission on Human Rights in
accordance with Commission resolution 1986/40 and Economic and
Social Council decision 1986/136

CONTENTS

| | <u>Paragraphs</u> | <u>Page</u> |
|--|-------------------|-------------|
| I. INTRODUCTION AND MANDATE OF THE SPECIAL RAPPORTEUR | 1 - 9 | 3 |
| II. POLITICAL BACKGROUND AND DEVELOPMENT OF THE HUMAN RIGHTS SITUATION IN AFGHANISTAN | 10 - 20 | 4 |
| III. SITUATION OF THE REFUGEES | 21 - 35 | 7 |
| IV. CONCLUSIONS | 36 - 51 | 9 |
| V. RECOMMENDATIONS | 52 - 55 | 12 |

I. INTRODUCTION AND MANDATE OF THE SPECIAL RAPPORTEUR

1. The Special Rapporteur, first appointed in 1984 pursuant to Economic and Social Council resolution 1984/37 of 24 May 1984, has submitted, in the last two years, two reports to the Commission on Human Rights (E/CN.4/1985/21 and E/CN.4/1986/24) and one report to the General Assembly (A/40/843). His mandate was renewed in 1985 and 1986 by the Commission on Human Rights (resolutions 1985/38 of 13 March 1985 and 1986/40). The General Assembly, after considering the report submitted to it by the Special Rapporteur at its fortieth session, adopted resolution 40/137 of 13 December 1985 in which it decided, inter alia, to keep the question under consideration at its forty-first session. This report has been prepared in accordance with the provisions of Commission resolution 1986/40.
2. Following the renewal of his mandate and in accordance with the practice which he has always followed in the matter, the Special Rapporteur addressed a letter to the Afghan Government on 9 June 1986 reiterating his request to have the benefit of the Government's co-operation. Being unable, in the absence of a reply from the Afghan Government, to make plans for travelling to Afghanistan, the Special Rapporteur decided once again to go to Pakistan in order to collect first-hand information and hear witnesses in the refugee camps and various hospitals situated in Baluchistan and the North-West Frontier Province. The Special Rapporteur also learned about the situation by gathering information from individuals and organizations in Europe.
3. It should be remembered that, as in the past, for the purposes of drafting the present report the Special Rapporteur followed the course of events throughout the period in question and analysed information submitted in the form of written communications from interested individuals or organizations. The Special Rapporteur also proceeded to consult and systematically sift through various documents of the United Nations and specialized agencies, publications, newspapers and periodicals from several countries and articles dealing with the situation relevant to his mandate. The Special Rapporteur had the benefit of the findings of research carried out by the Bibliotheca Afghanica Foundation on the situation in Afghanistan.
4. During his visit to Pakistan from 3 to 12 September 1986, the Special Rapporteur interviewed 108 persons from the following 20 provinces: Farah, Herat, Faryab, Jowzjan, Balkh, Konduz, Takhar, Badakhshan, Baghlan, Parvan, Laghman, Kabul, Nangarhar, Vardak, Paktia, Paktika, Ghazni, Zabol, Kandahar and Helmand. He also visited three refugee camps (Surkhab, Mohamed Khel and Miram Shah) and six hospitals specially assigned to treat Afghans wounded either during the bombardments of villages or on making their way to Pakistan to seek refuge there (Essalam Hospital, Ansari Hospital, Al Khidmat Hospital, Mekka-Al-Mukkarramab Surgical Hospital, Afghan Surgical Hospital and Kuwait Red Crescent Hospital). Of the 108 witnesses contacted, 12 were women and 30 children.
5. During the same visit, the Special Rapporteur made two helicopter overflights on 6 and 10 September 1986 along the Pakistan-Afghan frontier in order to ascertain personally the position and distribution of the camps in which hundreds of thousands of Afghan refugees in Pakistan are concentrated.

6. In this connection, the Special Rapporteur once again had the benefit of the particularly valuable co-operation of the Pakistani authorities.

7. On the completion of his mission to Pakistan, the Special Rapporteur, as in the past, addressed a letter, on 10 October 1986, to the Minister for Foreign Affairs of Afghanistan informing the Afghan Government of the existence of further allegations and requesting it to extend its co-operation to him so that he could submit to the General Assembly and the Commission on Human Rights the fullest and most accurate information possible. No reply has been received to date.

8. In addition, the Special Rapporteur took note of the opinions expressed by the representatives of the Afghan Government in various United Nations bodies.

9. Lastly, the Special Rapporteur draws attention to the views expressed in his previous reports (E/CN.4/1985/21, paras. 33-35, and A/40/843, paras. 19-21) to the effect that the study of the human rights situation in a given country constitutes part of the mandate of United Nations bodies, that it in no way constitutes interference in the internal affairs of the country in question and that it cannot be contrary to the provisions of Article 2, paragraph 7, of the Charter of the United Nations.

II. POLITICAL BACKGROUND AND DEVELOPMENT OF THE HUMAN RIGHTS SITUATION IN AFGHANISTAN

10. Following the Saur Revolution, a forceful implementation of the reform decrees was the starting point of country-wide opposition, which erupted first in the rural areas, where the majority of the people found themselves unable to accept these reforms. Religious and nationalist sentiments were further provoked by the intervention of foreign troops; these sentiments are rooted in the tradition of a people who are proud of their independence and who, throughout the centuries, have frequently had to combat foreign interventions.

11. The new Government has incorporated in its constitutional order, which is enshrined in the Fundamental Principles of the Democratic Republic of Afghanistan, which came into effect on 21 April 1980, important proclamations concerning the fundamental rights and duties of the people and the individual, which are "to consolidate the gains of the Saur Revolution and realize its lofty objectives and aspirations, strengthening, developing and further evolving the progressive system in the Democratic Republic of Afghanistan" (E/CN.4/1985/21, annex). The Special Rapporteur has commented on the more important provisions regarding human rights (see E/CN.4/1985/21, paras. 139-142).

12. The present situation in Afghanistan and its implications for the respect of human rights and fundamental freedoms is the result of a political and military conflict. As the Special Rapporteur has already stated in a previous report (E/CN.4/1986/24, para. 20), the political conflict is attributable to the antagonism between a materialistic world and tradition, the military conflict being exacerbated by the presence of a "small contingent of Soviet forces" (to use the official terminology of the Afghan Government) which actively participates in the operations alongside the Government. Well-informed sources are in agreement that

this contingent is 120,000 strong. In this connection it should be remembered that approximately 8,000 Soviet soldiers (six regiments), were to be repatriated between now and the end of 1986. According to various sources, partial withdrawal of the troops began on 15 October 1986.

13. The armed conflict in Afghanistan is now at the end of its seventh year. Since the most recent report of the Special Rapporteur to the Commission on Human Rights in February 1986 (E/CN.4/1986/24) and the report to the General Assembly in November 1985 (A/40/843), new elements in the human rights situation have come to light and must be taken into account in this report. During the period in question, on the basis of reliable information brought to the attention of the Special Rapporteur, the following new features of the present situation in Afghanistan were identified:

(a) Afghan refugees continue to arrive in the neighbouring countries and now number about 5 million, which in itself constitutes a human rights problem;

(b) The military offensive operations in the Afghan provinces adjacent to Pakistan (Paktia, Paktika, Nangarhar and Konar), to the Islamic Republic of Iran (Herat and Farah) and to the Soviet Union (Konduz) have been intensified;

(c) There is increasing evidence of attempts to stir up tribal conflicts and to use Pakistan tribal chiefs in operations for abducting both Afghans and foreigners.

14. In addition to these new elements, humanitarian law continues to be infringed by the brutalities of the military operations; moreover, acts of sabotage committed by elements that have infiltrated into Pakistan, and more specifically into the North-West Frontier Province, have become more frequent in the period under review.

15. Account must also be taken of current efforts to find a political solution to the conflict, such as the talks being held under United Nations auspices, which can be said to have the merit of institutionalizing the peace process by enabling the dialogue to be maintained, action to be taken in national parliaments, and talks to be held between the two super-Powers. It should be remembered that, during the period under review, some international governmental organizations (the European Parliament, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries) have also debated the situation in Afghanistan at length and adopted resolutions. Lastly, private national organizations and international non-governmental organizations have published several reports and held hearings. The Special Rapporteur therefore believes that interest in the situation in Afghanistan is steadily increasing.

16. It should be noted that, in an effort to broaden the bases for the reconstruction of a new social order, the Revolutionary Council of the Democratic Republic of Afghanistan announced on 19 November 1985 that it was necessary for all elements of society to participate in the running of all State and administrative bodies. In April 1986, the Government of the Democratic Republic of Afghanistan took on a collegial structure under the leadership of the former chief of the Khad, Mr. Najib. Several witnesses explained how the policy of the Democratic Republic of Afghanistan had changed after the take-over by the new leader of the country.

/...

Different characteristics of the approach of the new political leader have been given. It has been said that Mr. Najib has tried to build up a more traditional image of the leadership in an attempt to attract the people of tribal areas, by calling jirgahs in which tribal people from Pakistan were persuaded to participate. Mention has been made of various visits by the new leader to mosques in Herat. On the other hand, efforts have been made to build up local government authorities in places where the Government is in power. It has also been said that the new leader is trying to increase and strengthen the Afghan army against opposition movement forces.

17. On 21 December 1985, Pravda stated that the mistakes of the first stage of the revolution - passion for revolutionary phrases, speeding up of social reforms without taking due account of the real situation and the social and national characteristics of the country - had had negative consequences and that an atmosphere had to be created for a positive dialogue between social and political forces, including those who still held positions hostile to the revolution, in the name of the national rebirth of Afghanistan (see E/CN.4/1986/24, para. 24). In preparing the present report, the Special Rapporteur noted that the Government of Mr. Najib was following a policy that acknowledged the validity of this statement.

18. The Special Rapporteur wishes to emphasize once again that the rules and principles that should govern the human rights situation in Afghanistan are well-established legal rules, accepted by the States involved, which are parties to the major international human rights instruments in force: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide. Afghanistan is also a signatory of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

19. It must be mentioned that Afghanistan has submitted reports to the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Economic and Social Council describing the measures adopted to give effect to the rights recognized in the international instruments to which it is a party. These reports were discussed and the representatives of Afghanistan answered questions thereon. The Special Rapporteur does not wish, at this stage, to enter into a discussion on the extent to which those reports may indicate the difficulties encountered in implementing the instruments to which they refer, in particular the International Covenant on Civil and Political Rights. However, he would like to emphasize the fact that the human rights situation in a State is not reflected merely in the legislation in force, which may well be in conformity with international instruments, but also by the practical implementation of that legislation and the international instruments to which a State is a party (see A/40/843, para. 118 (c)). The Special Rapporteur is still of the view that the reality of a human rights situation can only be established by an examination of the rights proclaimed as well as their application and respect.

20. For the sake of clarity, the Special Rapporteur has divided his consideration of the human rights situation in Afghanistan into two parts: one concerns the human rights situation as such - how it has come about and how it is developing in terms of the conflict of two cultures; the other concerns the human rights

situation as a consequence of the armed conflict between governmental forces and foreign troops on the one hand and opposition movements on the other.* However, the Special Rapporteur wishes first to address the refugee problem, which is, by its very nature, a human rights problem whose consequences go far beyond the borders of Afghanistan. The existence of over 5 million Afghan refugees, equivalent to one third of the registered population of Afghanistan, is a fact that can be established without the need for a visit to Afghanistan.

III. SITUATION OF THE REFUGEES

21. The refugee Afghan population, estimated at approximately 5 million, distributed mainly between Pakistan and the Islamic Republic of Iran, is now the world's largest group of refugees. As was pointed out by the Special Rapporteur in his previous reports (A/40/843, para. 31, and E/CN.4/1986/24, para. 31), the conflict in Afghanistan is the reason for this exodus of civilian populations who have left their homes and country to seek refuge in places where they have the benefit of a social, cultural and linguistic environment that facilitates their integration.

22. In Pakistan, according to the official registration lists as at 15 August 1986, there are approximately 2.8 million refugees in the North-West Frontier Province, Baluchistan and the Punjab. Some 400,000 are reportedly still waiting to be registered in the refugee camps recently established in Baluchistan Province and the North-West Frontier Province. Moreover, according to estimates provided by the Pakistani Government, 6,000 to 8,000 refugees on the average, consisting of 25 per cent men, 28 per cent women and 47 per cent children, continue to pour in each month.

23. According to various sources of information, the increase over the figure in early 1986 is attributable mainly to the intensification of military activities. In this connection, the Special Rapporteur found, during his visit to Miram Shah on 10 September 1986, in the Saidge transit camp close to the frontier post called Hazadar in the North-West Frontier Province, an influx of refugee men, women and children from Paktia, where Cheysandai had been heavily bombarded that very day. Among the new arrivals he counted the bodies of four women killed during the bombardments. The Special Rapporteur visited one of the 268 outposts where new refugees are received immediately upon arrival and had occasion to observe the procedure that is followed with regard to new arrivals, not all of whom are automatically registered as refugees. This, and the fact that people leave Afghan territory through points where there are no such outposts, make it quite clear that the figures given for refugees are much lower than the number of Afghans who have actually left the country.

24. On the basis of several coinciding sources of information, the Special Rapporteur noted that from May to August 1986, the refugees came mainly from the provinces of Paktia, Lowgar, Nangarhar, Vardak and Herat, which is indicative of the scale of fighting in these regions during that period.

* This information will be circulated under cover of a note verbale.

25. As previously reported, during his mission to Pakistan from 3 to 12 September 1986 the Special Rapporteur moved freely throughout the country, went to refugee camps and visited several hospitals where Afghan refugees were receiving treatment. In his talks with the refugees and the wounded, he was informed that the situation in Afghanistan had deteriorated considerably since Mr. Najib had come to power. Reference was made to the intensification of bombardments, especially along the Pakistani frontier, which made it more difficult to evacuate the wounded to first-aid posts situated in Pakistan.

26. The Islamic Republic of Iran is giving shelter to many Afghan refugees whom the Special Rapporteur has not yet been able to visit. On the basis of official estimates, the United Nations High Commissioner for Refugees puts the number of Afghans scattered among 12 provinces at 1.9 million, 50 per cent of whom live in the frontier provinces of Khorasan and Sistan-Baluchistan. 1/

27. It is thus established that approximately 5 million Afghan citizens have left their country, constituting a flood of refugees amounting at present approximately to one third of the total population of Afghanistan. As the Special Rapporteur has already observed, such a number of refugees, by its size alone - disregarding the economic burden that it creates for the receiving countries - constitutes in itself a human rights problem in which the right to move freely and choose one's place of residence and the right to personal safety are jeopardized.

28. The overall picture that the Special Rapporteur gained of the refugee camps on 6 and 10 September 1986 enables him now to make a clear distinction between the refugees at present in Pakistan and the migrant workers or nomads who move around on a seasonal basis. Having now visited almost all the refugee camps in Pakistan, and having also noted the type of dwelling used by the nomads, which is altogether different from that provided and designed for the refugees, there is no longer any doubt that the existence of the refugees, as well as their number, is a fact that is difficult if not impossible to challenge (see in this connection the Government's position reproduced in the report to the General Assembly at its fortieth session (A/40/843, para. 39)).

29. The Special Rapporteur's attention was drawn to the fact that the way in which the bombardments were carried out indicates a strategy that reflects an intention to wipe out the neighbouring provinces of Pakistan and of the Islamic Republic of Iran and to establish a cordon along the frontiers, which explains the action of the Afghan authorities with regard to the population relocation process announced in September 1986. The Afghan Government is proposing to move some 300,000 inhabitants of the provinces of Konar, Laghman and Paktia to the provinces of Neland, Farah and Nimruz. It should be noted that, according to the Government, the populations are to be relocated "on a voluntary basis" and that those transferred will be allocated land which they can develop with credit provided by the Government.

30. The volume of refugees is such that it becomes increasingly difficult - as the Special Rapporteur has had occasion to witness - to provide the new refugees with basic shelter and supplies.

31. Since the refugees come on a large scale from all the provinces of Afghanistan and belong to different tribes, it must be asked to what extent this refugee movement affects the demographic structure of the country. This in turn raises the problem of self-determination, since in any event, one third of the population cannot be considered to be directly or indirectly represented by the Government or its institutions. As in previous years, the refugees interviewed all expressed the hope that they would be able to return to their country as soon as conditions permitted. One of the most urgent concerns is to find ways to allow the millions of refugees to return to their country with dignity and without fear. The General Assembly, the Commission on Human Rights and other intergovernmental organizations have urged that this problem be solved.

32. At the conclusion of the Loya Jirgah held in April 1985 at Kabul, an address to the people of Afghanistan ^{2/} and a message to the Secretary-General of the United Nations (A/40/273-S/17135, annex) were adopted on 25 April 1985. With regard to the return of refugees, the "deceived" individuals living in foreign countries were invited to return with peace of mind to Afghanistan, the General Amnesty Decree of the Presidium of the Revolutionary Council of the Democratic Republic of Afghanistan having guaranteed the protection of their life, family, property, freedom and work. The representative of Afghanistan recalled before the Committee on the Elimination of Racial Discrimination that, in January 1980 and again in June 1981, an amnesty had been proclaimed granting all Afghans living abroad the chance to return home.

33. Indeed, the Special Rapporteur wishes to recall that on 22 June 1981, the Government adopted a new amnesty decree, the provisions of which are described in paragraph 40 of his most recent report to the Commission on Human Rights (E/CN.4/1986/24).

34. The Council of Ministers was given instructions to implement this decree; these instructions are described in paragraph 41 of the same report.

35. There are still a large number of internal refugees, some 1.5 million to 2 million persons, in Afghanistan. In the opinion of the Special Rapporteur, this has brought about an important change in the demographic structure of the country; the flow of inhabitants of the rural areas to the cities has caused not only serious over-population in urban zones but equally serious depopulation of the rural areas.

IV. CONCLUSIONS

36. The situation of human rights in Afghanistan continues to be a source of the deepest concern because of the seriousness of the suffering to which the civilian population in Afghanistan, especially the women and children, are subjected and because of the magnitude of the economic, social and cultural problems confronting the millions of refugees, whose numbers are growing steadily.

37. According to concordant information, the action taken against the opposition movements and civilian population has been intensified since last year. In addition, there has been an increase in the number of military operations focusing on the roads leading to Pakistan, causing heavy loss of life. The bombardment of

several villages, attacks on convoys of civilians heading for Pakistan in search of refuge and regular house searches make it impossible for the civilian population to lead a normal life.

38. Throughout the period under consideration the situation has deteriorated steadily, because the conflict continues to inflict both heavy loss of life and material damage as a result of the bombardments. Fewer civilians were killed in 1986: 10,000 to 12,000 deaths were reported compared with 37,000 for the preceding year. However, the intensity of the fighting has not diminished; in the northern and south-eastern regions, bombardments have intensified.

39. On the domestic level, certain measures appear to have been adopted by the new Government established in May 1986 under the leadership of Mr. Najib. These measures, applied in areas under government control, are said to be inspired by traditional values and intended to stabilize the internal situation; this has been confirmed by various witnesses. The Government is seeking broader recognition by attempting to build up a democratic power base, in particular through local jirgahs. However, the refugees still do not acknowledge that these jirgahs represent them. In addition, it may be noted that the new Government has shown itself to be more open to international organizations such as the United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross (ICRC).

40. On the international level, the intergovernmental talks under the auspices of the United Nations continued. The withdrawal of some 8,000 foreign troops (six anti-aircraft regiments) is in itself significant and could be considered a positive step if it were the beginning of a complete withdrawal of all foreign troops from the country, leading to an end to the conflict.

41. However, the war continues. The Government, with the assistance of foreign troops, is engaged in an armed conflict with opposition movements and their civilian supporters. It would seem that these opposition movements command the support of the vast majority of the population.

42. In this conflict, government and foreign troops are in control of the larger cities and highways and are said to be attempting to close the border areas through which civilians have constantly sought refuge since the start of the present situation. Notwithstanding the change of Government, it would seem that the nature of the conflict has worsened as a result of the introduction of more matériel, including heavy weaponry and more sophisticated arms. Indiscriminate bombing and the continued use of anti-personnel mines, including booby-trap toys, still cause many casualties among the civilian population.

43. In fact, the brutality of the conflict, which has been underlined in previous reports, has not diminished.

44. The conflict has continued to produce waves of Afghan refugees. They continue to leave their country in spite of the increased hazards involved, ranging from outright bombing to brutal reprisals against villagers who assist them on their way. The flow of refugees has continued despite amnesty decrees and appeals by the Government. Furthermore, it would appear that there are now over 5 million refugees, a number out of all proportion to the assistance available.

45. Having seen the conditions in which the latest refugees live and the difficulties confronting the refugees and the Pakistani authorities alike, the Special Rapporteur reached the conclusion that the present situation could not be improved unless additional international assistance was provided.

46. The authorities' plan to resettle 300,000 persons from the eastern provinces in the south-west region of Afghanistan has been widely criticized, since it would result in so many persons being displaced against their will, creating a situation of "internal exile" and exposing the persons concerned to serious threats to their existence.

47. In addition to the threat to the other fundamental rights described above, and as stated in this report, serious allegations of torture during Khad interrogations persist. The application of torture continues to be current practice. Furthermore, prison conditions for political detainees have not improved, while alarming reports have been received of severe disciplinary punishment within the prisons. It would therefore be a positive step if the Government were to permit ICRC to carry out its humanitarian duties with regard to political detainees.

48. In areas outside direct government control - which include large regions of the country - the civilian population is in a precarious situation. The majority of the Afghan population cannot be guaranteed their basic economic, social and cultural rights without outside assistance, mostly provided by non-governmental organizations. It would appear that the situation in several parts of the country gives cause for alarm.

49. As has been repeatedly stated, only a complete withdrawal of foreign troops would lead to the return of the refugees, that is, over one third of the population. Thus the presence of foreign troops and their involvement in the conflict remain the direct cause of the unbearable suffering imposed on these people. Partial withdrawal and efforts to find a political solution have so far not led to a reduction in the cruelty of the war, nor have they changed the deplorable situation of the vast majority of the refugees. The Special Rapporteur has had occasion personally to witness and assess the plight of these refugees.

50. These refugees have no representation either inside or outside their own country. This in itself constitutes a denial of their right to self-determination, as enshrined in article 1 of the International Covenants on Human Rights, to which Afghanistan is a party. It is therefore of paramount importance that a way be found to ensure their representation and the protection of their interests. In this connection, reference may be made to a proposal that the areas not under government control should each elect a representative, so as to form a council that would represent the 5 million refugees.

51. The Special Rapporteur concludes, on the basis of the information available, that the armed conflict, now in its seventh year, has led to serious violations of human rights and to intense human suffering. Every effort must be made to end it.

V. RECOMMENDATIONS

52. The Special Rapporteur wishes to reiterate both the general recommendations contained in his latest report to the Commission on Human Rights (E/CN.4/1986/24, paras. 127-131) and the specific recommendations (paras. 132-135) and expresses his regret that none of them has been implemented.

53. Because over 5 million refugees from all provinces and all classes have settled outside the country, creating a problem calling for humanitarian action, the General Assembly should make an urgent appeal to all States to strengthen humanitarian support by increasing their contribution to the relief effort and, in particular, to the Office of the United Nations High Commissioner for Refugees.

54. In view of the worsening situation in the country, affecting children in particular, the General Assembly should invite all groups who are concerned with the welfare of children, including interested international organizations, to assist UNICEF, which has a special responsibility to aid children, in implementing its programme of immunization of all Afghan children, in both urban and rural areas.

55. Moreover, precisely because of the deterioration of the situation, the Special Rapporteur believes that the United Nations Educational, Scientific and Cultural Organization should be encouraged to carry out its special responsibility for the protection of the cultural heritage of Afghanistan, including the observance of the Convention for the Protection of Cultural Property in the event of Armed Conflict, adopted at The Hague on 14 May 1954.

Notes

1/ A/AC.96/677 (Part VI/Add.1); Chris Kutschera, "Forgotten refugees: Afghans in Iran", The Middle East, No. 142 (August 1986), p. 43.

2/ Kabul Times, 25-27 April 1985.

Supplementary material to the interim report on the situation
of human rights in Afghanistan prepared by the Special
Rapporteur of the Commission on Human Rights in accordance
with Commission resolution 1986/40 of 12 March 1986 and
Economic and Social Council decision 1986/136 of 23 May 1986
(A/41/778, annex)

INFORMATION CONCERNING RESPECT FOR HUMAN RIGHTS IN AFGHANISTAN

A. Situation before the intervention of foreign troops in December 1979

1. In his previous reports, the Special Rapporteur endeavoured to show that in the course of the Saur Revolution (April 1978) there was opposition to the reform decrees and their implementation. These reforms, which were strictly implemented, had affected customary law, the customs and traditions of the majority of the population in the rural areas and the religious consciousness of much of the population. The manner in which the reforms, which had not been approved by Loya Jirgah, were implemented provoked resistance, which developed into a virtual uprising and in turn gave rise to stronger governmental pressure.

2. The Special Rapporteur also mentioned the case of a number of persons considered to have disappeared before December 1979. In his latest report to the Commission on Human Rights (E/CN.4/1986/24, para. 47), the Special Rapporteur referred to new examples of missing persons in Herat. During the recent investigation of the situation of human rights in Afghanistan the Special Rapporteur was informed by an eyewitness that, in September 1978, in Laghman Province, 360 people, mostly civilians, had been taken away blindfolded and handcuffed and it was stated that they had subsequently been burnt alive.

B. Situation since the intervention of foreign troops on 27 December 1979

3. As stated earlier, the intervention of foreign troops in Afghanistan constitutes a landmark in the human-rights situation in the country, which has been affected since then by both the internal political situation before the intervention and the armed conflict that developed throughout the country as a result of that intervention. These two aspects of the situation are governed by distinct international criteria in the field of human rights.

1. Situation of human rights in Afghanistan independent of the armed conflict

(a) Right to life

4. During the reporting period, the Special Rapporteur has received information on some cases of death sentences.

(b) Right to liberty and security of person; prison conditions

5. In his previous report to the Commission (E/CN.4/1986/24, paras. 54 and 55), the Special Rapporteur referred, as an example, to the fate of Mr. Hassan Kakar and in particular to his conditions of imprisonment in the Pol-i-Charkhi Prison in Kabul. The latest information shows that the fate of this famous historian has not

changed much since January 1986 and he is still living in humiliating conditions. According to additional information Mr. Kakar has been transferred to block III of this prison and shares a cell with three inmates; the medical and the hygienic facilities remain very poor.

6. New information concerning prison conditions has been communicated to the Special Rapporteur in Quetta by two Australians, Ms. Jenny Lade, teacher of sculpture at the University of Baluchistan, and Robert Williamson, expert of forestry working on a project financed by the World Bank in Baluchistan, who were kidnapped by members of the Sassouli tribe on 18 May 1985 while proceeding to the site of the project located in the Maslakh Forest Reserve (west of Quetta). Detained for two weeks in the tribal area on the border of Pakistan and Afghanistan, they were transferred to Kandahar by a helicopter identified as belonging to the Afghan military forces. Two days later they were transferred to Kabul and detained in Sadarat Prison. During their transfer from the tribal area to Kandahar and Kabul they were blindfolded and handcuffed. During their detention they were separated.

Jenny Lade's conditions of imprisonment

7. Detained from 2 June to 27 December 1985 in a cell measuring 10 feet by 10 feet with up to four political prisoners waiting to be convicted (she was told that some of them had been detained for up to 22 months without trial) she was not permitted to inform the Australian Embassy of her detention. The women detained with her with aged between 17 and 65 years and some were accompanied by their babies. During the period of detention, although she received sufficient quantities of food, the nutritional value of the food was so low that she eventually contracted scurvy. Accordingly to information given to her by an inmate, there had been cases of ill-treatment of women previously detained at the Sadarat Prison (some of them were allegedly hung up by their arms and beaten on their legs, and she had seen an inmate with bruises on her legs). The time outside the cell was limited to half an hour a day. She described the cell as being in poor condition, with a leaking roof and the floor covered with insects and rats. Other inmates could receive parcels once fortnightly from relatives, containing food, clothes and money. However, some of the contents of the parcels were withheld by prison warders.

8. In October 1985, she was charged with illegal entry into Afghanistan, membership of the CIA and involvement with Pashtu tribesmen for counter-revolutionary activities. Thereafter she was given half an hour to write her defence. During her entire detention she was not allowed either to write to her family or to have a lawyer. However, she was obliged to write two letters in accordance with guidelines, dictated to her by a police officer (interrogator), stating that she was in good health and alive. The letter was sent to the Pakistani authorities and the Australian Embassy in Islamabad. She was released without trial on 27 December 1985, the same day as Mr. Williamson.

Robert Williamson's conditions of imprisonment

9. Detained for the same period as Ms. Lade, Mr. Williamson was completely isolated from the other detainees for five months. He was not permitted to inform the Australian Embassy or anyone else of his detention. Unlike other inmates, he

was not allowed any physical exercise; his only option was to walk up and down his cell. He was charged with illegal entry into Afghanistan, membership of the CIA and involvement with Pashtu tribesmen for counter-revolutionary activities. However, he received enough time and paper to prepare his defence. During his entire detention he was not allowed either to write to his family or to contact a lawyer. He was released without trial on 27 December 1985, the same day as Ms. Lade.

10. According to information given to him by inmates, there had been cases of torture by electric shocks; he was also told of a 16-year-old detainee and the case of a man kept in detention for three and a half years without trial. Cries and screams could be heard during the night from different parts of the prison.

11. The Special Rapporteur has on other occasions received information describing similar prison conditions concerning convicted prisoners (see E/CN.4/1986/24, paras. 55 and 56). The information so received was reflected in his previous reports.

12. A driver working for the Water and Power Development Authorities project group informed the Special Rapporteur that he had been kidnapped by Asmatullah tribesmen on 29 November 1985 under similar circumstances to those of the two Australians while proceeding to a village located near Chaman. He had also been handed over to Afghan authorities in Spin Baldak and then transferred to a prison in Kandahar. Two and a half months later he was transferred to Pol-i-Charkhi Prison in Kabul, and charged with illegal entry into Afghanistan. According to his testimony, there have been cases of ill-treatment of detainees who were allegedly forced to stand on one leg in the snow for an hour at a time. On 16 August 1986 he was released without trial as part of an exchange of prisoners. It was also stated to the Special Rapporteur that other Pakistan citizens who had been kidnapped under similar circumstances were still in Afghan custody; no further information about the fate of these persons was available.

13. The Special Rapporteur has been informed about the continuation of torture and ill-treatment in Khad interrogation centres during interrogation. According to new information, during interrogation the following severe methods of torture are still being used on men and women: pulling out finger nails, systematic beating and psychological pressure. Information has been received about particularly harsh disciplinary measures in the Pol-i-Charkhi Prison. Two persons reported that they have been held for days and nights handcuffed and with their knees bound, in a very small, dirty, humid cell. They showed marks on their arms and legs to the Special Rapporteur. One of these persons gave the Special Rapporteur a copy of a judgement delivered by a revolutionary court and a copy of a decision releasing the same person in accordance with the implementation of the Amnesty Decree declared on the occasion of the Loya Jirgah which took place on 4 July 1986.

(c) Right to self-determination

14. In his previous report to the General Assembly, the Special Rapporteur provided information on the Loya Jirgah held in April 1985, and the decisions taken at that assembly, including a message addressed to the Secretary-General (A/40/273-S/17135, annex).

15. In addition, the Special Rapporteur was informed about the adoption of new policy under Mr. Najib. It was said that attempts had been made to give the new Government broader recognition through local jirgahs. However, the local jirgahs which took place during the period under review were described by many witnesses as an establishment of "defence committees" presented in the form of an elected assembly.

(d) Impact of conflicting ideologies on cultural life in Afghanistan

16. The Special Rapporteur has received additional information confirming the fact that the educational system in Afghanistan is largely based on non-traditional ideas. This is at variance with article 18, paragraphs 1 and 4, of the International Covenant on Civil and Political Rights. The educational system applied to many children sent abroad through the institution known as perwarischgahi vatan (homeland nursery) is still in force and children are still enrolled in this institution against their parents' will. The Special Rapporteur was told that some children are sent to the Soviet Union for a short period of time and used thereafter as spies. A 16-year-old boy informed the Special Rapporteur that he had been sent to the Soviet Union against his will, trained for two months in espionage and forced to collect information on the activities of opposition movements based in Peshawar (see also E/CN.4/1986/24, paras. 64-66).

2. Situation of human rights resulting from the armed conflict in Afghanistan

(a) General survey

17. Pursuant to the request of the Commission on Human Rights in paragraph 6 of its resolution 1985/38, the Special Rapporteur proposes to provide information on the casualties sustained by the civilian population in Afghanistan as a result of the situation now prevailing in that country.

18. The provision of such information is dependent upon two basic requisites: first, access to areas where bombardments took place; and, secondly, the technical knowledge and expertise to assess the material damage resulting from these bombardments of civilians. As regards the first element, since the Special Rapporteur is denied access to the territory, he is obliged to take into consideration all other information available to him that he deems reliable, as corroborated by numerous sources. The second element is a matter outside his competence, and he will limit himself to describing, as far as possible, the nature and extent of the bombardments in question.

19. The Special Rapporteur has followed the situation in the country as reflected in the information available to him, including reports on several incidents which came to his knowledge. As already mentioned above, new tactics are being used in order gradually to close the routes often used by the opposition forces as well as Afghan refugees. Many reports show that the governmental forces or foreign troops are trying to seal border areas to prevent the flow of persons, including refugees, across the borders; this has resulted in the loss of many lives as well as property

and has made it difficult to evacuate the wounded. Furthermore, many casualties have been reported as a result of the military campaign to secure the main highways linking the larger towns and the northern border and to establish new military posts along the highways and in the larger cities and airfields. Cities like Herat and Kandahar are reported to have been largely destroyed and to be mainly controlled by opposition movements. Intense fighting was reported to have taken place also in the northern and south-eastern regions. Toy bombs are still used, affecting the civilian population, especially children and animals. The Special Rapporteur was informed of the use of bombs which were said to disperse hundreds of fragments similar to small blades. The use of such bombs has been confirmed by many wounded persons during the visits of the Special Rapporteur to hospitals.

20. At this stage, the Special Rapporteur would like, once again, to state that, in his view, all parties to the conflict, including the foreign troops and the opposition movements, are at least bound by article 3 common to the Geneva Conventions of 1949. An exhaustive study by the International Committee of the Red Cross entitled "Les Conventions de Genève et la réciprocité", prepared by J. de Preux (Geneva, 1985), demonstrates that the implementation of article 3 of the Geneva Conventions does not require any reciprocity and is accordingly binding on any party to a conflict regardless of whether the other party abides by these norms.

(b) Casualties resulting from bombardments and other forms of warfare, in particular concerning the civilian population

21. The gravity of the conflict is illustrated by the high civilian casualties resulting from bombardments and massacres which were reported to have occurred during searches for members of opposition movements carried out by the military forces. Statistics received by the Special Rapporteur show that the number of civilian deaths has diminished during 1986 (see annex).

22. The Special Rapporteur has already provided a statistical survey of civilian casualties during 1985 (E/CN.4/1986/24, para. 72). According to information submitted by the Bibliotheca Afghanica Foundation (Liesthal, Switzerland), civilian casualties from the end of 1985 to September 1986 are of the order of 10,000 to 12,000.

23. According to statements made by various witnesses to the Special Rapporteur, the governmental forces and/or foreign troops continue to bomb villages, cultivated land and water reservoirs as well as to kill animals in order to deprive the population of their subsistence and force them to leave the rural areas either to seek refuge or to seek shelter in the major cities.

24. Several witnesses reported on the use by the armed forces of gas, in which a greenish-coloured substance was released against members of opposition forces hiding in underground passages or karez. The substance reportedly caused serious injuries. The use of chemical weapons has been reported in four instances in Konduz, Paktia, Kabul and Vardak Provinces; the use of napalm and phosphor bombs was reported in four other instances in the provinces of Herat, Paktia and Kabul (twice).

25. The Special Rapporteur was given information about an incident said to have occurred in mid-August 1986 in the village of Garabad, in Konduz Province, during which soldiers first invaded the village in retaliation for an encounter with members of opposition movements and then executed 30 persons, disemboweled a woman with a bayonet and cut off her breasts, and kicked several children to death. Several houses were destroyed and all livestock killed. The witness claimed that he himself had lost 14 family members (three of whom had been killed by bayonets and 11 crushed under the rubble of their house, which had been destroyed by fire).

26. The Special Rapporteur also learned of several incidents in which reprisals were carried out according to an identical pattern: soldiers would retreat after a skirmish, then return to the villages in the vicinity of the combat zone and enter and search the houses, which they subsequently burned, often killing any survivors with bayonets.

27. In one particularly horrible incident, several persons had their throats slit with knives. This incident took place in the village of Siyawachan, in Herat Province, in March 1986. Eleven persons were killed, with one survivor currently receiving medical treatment.

28. Eyewitnesses have informed the Special Rapporteur of civilian deaths during bombing attacks on villages. Some 100 instances of bombardment of civilian targets, or affecting civilian targets were reported during the period under review. According to these witnesses, the bombardments grew particularly intense and numerous after June 1986. Given the large number of incidents, the Special Rapporteur will describe only the following cases, which he believes ought to be brought to the attention of the General Assembly:

(a) In late March 1986, approximately 350 men, women and children were killed in four villages in the Qarabagh District, Ghazni Province;

(b) On 12 April 1986, between 800 and 1,000 civilians were killed by soldiers in the Andkhvoy District of Faryab Province during a bombing raid. Several houses were destroyed during this raid. There have also been reports in the same province of 100 civilians killed during encounters on 5 June 1986 between Afghan troops and opposition fighters;

(c) Following fighting between Afghan troops and members of opposition movements in Kandahar Province in mid-July 1986, approximately 25 civilians were killed.

29. In addition to the incidents mentioned above, the Special Rapporteur personally saw the bodies of women killed during bombings in Paktia Province.

30. On a parallel with these incidents, the Special Rapporteur feels compelled to state that a number of civilians are reported to have been killed during attacks by members of opposition movements. The Special Rapporteur was informed that at least 50 civilians and military personnel had been killed and several others wounded in the explosion of a munitions depot on 27 August 1986 at Qargha in Kabul Province. In addition, a bomb explosion at the Jalalabad airport on 11 August 1986, killed

approximately 16 persons and wounded several others. Leaders of the opposition movements took credit for both these incidents.

31. The Special Rapporteur has already had occasion to discuss the humanitarian activities of the International Committee of the Red Cross (ICRC) in his earlier reports. Since then he has noted an increase in the number of civilian casualties and in the severity of injuries, particularly within the last three or four months of this year. Different sources of information concur that this worsening of the situation is attributable to the intensity of the fighting begun during this period.

32. According to various sources, ICRC undertook an exploratory mission to assess the prospects for resuming its activities in Afghanistan and to set up a facility that would enable it to resume its humanitarian work.

33. As stated in earlier reports, the main types of action which have caused deaths and casualties, in particular among the civilian population of Afghanistan, are bombardments, shelling and massacres in reprisal, acts of brutality committed by armed forces, and the use of anti-personnel mines and booby-trap toys. The Special Rapporteur learned that chemical fertilizers, so-called "seism" mines, anti-personnel mines and booby-trap toys were still used. He was also informed of the use of toy-bombs inside houses.

34. During visits to hospitals at Quetta and Peshawar in September 1986, the Special Rapporteur was able to obtain statistics on civilian casualties. There was a notable increase in the number of wounded since May 1985, peaking in July and August 1986. It was explained to the Special Rapporteur that this aggravation was due to the intensity of fighting which had taken place in Paktia, Paktika, Nangarhar, Herat and Faryab Provinces. For example, in a single hospital, 3,344 patients had been hospitalized between January and July 1986, for either bullet or shrapnel wounds.

(c) Use of anti-personnel mines and booby-trap toys

35. The Special Rapporteur has already reported to the General Assembly on the use of anti-personnel mines and booby-trap toys (A/40/843, paras. 90-93). He was able to see and speak to wounded children whose injuries were caused by the use of these horrible weapons.

36. In the course of talks held in September 1986, the Special Rapporteur received information which confirmed that the Afghan and/or foreign armed forces were using anti-personnel mines and booby-trap toys of increasingly varied types.

37. As regards injuries sustained by children, the Special Rapporteur himself observed that they generally comprise serious leg and hand wounds which frequently result in amputations; this, he was told, was the result of explosions of booby-trap bombs in the form of toys, of anti-personnel mines or of bombardments. The following cases may serve as illustrations:

(a) A child of two years, hospitalized at Makka El Mukarramma, at Quetta, is currently undergoing treatment for severe burns sustained on both legs in a fire which totally destroyed his house in July 1985, after a bombing attack on his village, located in Ghazni Province;

(b) A 17-year-old girl from Ghazni Province had her face completely disfigured by burns in a fire which started when her house was bombed. A piece of shrapnel in her abdomen also injured her entire genital system, for which she is now receiving intensive care. She said that her entire family had been killed during the incident;

(c) In March 1986, a 13-year-old child from Mazar-e-Sherif in Balkh Province was seriously wounded by exploding knife-like shrapnel. During this incident, which occurred during an aerial bombing, 7 members of his family and 60 other inhabitants of the village perished;

(d) A 16-year-old boy, a native of Paktika, had his left leg amputated following the explosion of an anti-personnel mine in July 1986.

38. According to information obtained during the recent visit, booby-trap toys have been distributed along the entire length of the Misamsha-Khost border in the Bangidar Valley, in Paktia Province.

(d) Acts of brutality committed by armed forces and other examples of warfare contrary to humanitarian standards

39. During the period under consideration, the Special Rapporteur received information confirming that acts of brutality by the armed forces had taken place during military operations throughout the country. He can only recall the incidents described in document A/41/770, which are largely typical of the atrocities committed, particularly during raids or retaliatory attacks against villages.

40. Looting is reported to happen frequently during house and village searches. In particular money and jewellery are requested and people who are unable or unwilling to give them are shot.

41. In his previous reports, the Special Rapporteur has considered the treatment of prisoners by both sides. He refers therefore to paragraphs 98 and 99 of his previous report to the General Assembly (A/40/843) and paragraphs 98 and 100 of his latest report to the Commission on Human Rights (E/CN.4/1986/24). New information has both confirmed previous findings and brought new elements to light. The following examples refer to the treatment of prisoners captured by opposition movements: a member of the Khad is reported to have been executed on the Jalalabad Turkman highway; in Nangarhar a political chief has been executed after "trial"; and a captured Russian pilot has been killed near Ghazni. However, one reliable witness stated that prisoners are treated in accordance with Surah LXXVI (8) of the Koran, entitled Al-Insan or Ad-Daha ("man" or "time"), which calls on man to "feed with food the needy wretch, the orphan and the prisoner ...". Prisoners captured by governmental forces are either executed or brought to trial and sentenced.

Sometimes prisoners are exchanged but without using ICRC as an intermediary. For instance, in Herat a Russian soldier was exchanged against seven mujahiddin and three militiamen. In the Mainchi Daily News (28 March 1986) it was reported that the last of the Soviet pilots had been released, and that the agreement between ICRC and opposition movements on two Soviet prisoners taken in 1982 could no longer be respected, since the opposition movements had found that the conditions were not being observed. According to information, Afghan prisoners were visited in May 1986 by a Red Cross delegation.

42. One reliable witness told the Special Rapporteur that when opposition movements took prisoners they were treated in accordance with the shariah. A Reuters press release of 12 November 1985 must be mentioned in this context; it refers to a Tass Agency report that a Soviet soldier serving in Afghanistan stated that he had been tortured, beaten and starved while held in captivity by an opposition movement.

43. It should be noted again that, concurrently with humanitarian action to provide protection and assistance for military and civilian victims in situations of conflict, ICRC has launched a campaign to inform the Afghan population, and in particular elements of the opposition movements, not only about the historical background and activities of ICRC but also of the obligation of members of armed forces and combatants to observe the humanitarian commitments flowing from humanitarian law, in particular the Geneva Conventions. These instructions, which show how closely these obligations are linked with principles enshrined in the shariah, were allegedly accepted with interest and understanding by representatives of the opposition movements. ICRC publishes a strip cartoon in languages spoken in Afghanistan and a commentary on the four Geneva Conventions of 12 August 1949.

44. The Special Rapporteur has been informed that the Minaret of Herat, the Chesht Mosque and the Herat Great Mosque Jami have been destroyed. These are monuments to which the Convention for the Protection of Cultural Property in the event of Armed Conflict of 14 May 1954 must apply. In response to his letter to the United Nations Educational, Scientific and Cultural Organization requesting additional information, the Special Rapporteur received the following reply on 24 February 1986:

"As part of the international campaign to save the monuments of Herat, and at the request of the national authorities, UNESCO dispatched a consultant, Professor Andrea Bruno of Italy, on a mission to Afghanistan from 23 December 1985 to 6 January 1986. The purpose of the mission was to update the campaign plan of action.

"Professor Bruno visited only Kabul, where he held technical consultations with the competent authorities in charge of monument preservation. In view of the instructions of the United Nations Security Co-ordinator in New York, no visit to the Herat region was scheduled, nor did the Kabul authorities propose any such visit. Consequently, Professor Bruno was unable to obtain any on-site information regarding the monuments mentioned in your aforementioned letter."

45. Apart from the direct consequences of the conflict on the cultural heritage of Afghanistan (see para. 44), the Special Rapporteur has received information indicating a consistent pattern of actions designed to obliterate the evidence of the cultural heritage, mainly through neglect or the side-effects of hostilities. Furthermore, this information shows a deliberate effort to stifle artistic activities and cultural life; museums have suffered, libraries have been destroyed, and artists have been killed or have sought refuge abroad.

(e) Conscription, including of children

46. The Special Rapporteur was informed that, in 1982, the regulations concerning the age for drafting into the army had been lowered to 15 years. There was forced conscription and the term of military service rose from two to three years in 1982 and then to four years in 1984.

47. The Special Rapporteur has learned that such conscription continues, depriving universities and schools of male students. In addition, it would appear that the conscription system is governed by severe discriminatory methods: for example, students from families belonging to the Communist Party or sympathizing with it have the privilege of not joining the army at the age of 15, thus having a chance to continue their studies, at home or abroad. A new feature of conscription has been reported by various reliable persons: political prisoners who have benefited from the amnesty following the commemoration in April 1986 of the Saur Revolution were immediately drafted into the Afghan army. Some of them have served in the militia, where their task has been to pick up young men who are old enough to be conscripted in order to draft them into the army.

(f) Situation of "internal refugees" or displaced persons in Afghanistan

48. As the Special Rapporteur already stated in his previous reports, the instability created by events in Afghanistan since 1979 has led to a massive exodus not only to other countries, particularly Pakistan and the Islamic Republic of Iran, but also from rural areas to the towns.

49. The situation of internal refugees or displaced persons has not changed since the Special Rapporteur described it in paragraphs 63 to 66 of his previous report to the General Assembly (A/40/843). In addition, the Special Rapporteur has learned that the Government intends to displace 300,000 persons from the eastern provinces to the south-western provinces. According to information available, most of the population concerned has already sought refuge in Pakistan (see A/41/778, para. 29).

3. Consequences of the human rights situation in Afghanistan in general and of the conflict for economic, social and cultural rights

50. A faithful survey of the economic, social and cultural situation inside Afghanistan can be made only if the Special Rapporteur is permitted to visit the country. Therefore, the Special Rapporteur is obliged to restrict himself to information which he considers reliable in analysing the consequences of the conflict for the enjoyment of economic, social and cultural rights in Afghanistan. The general survey of the enjoyment of these rights made by the Special Rapporteur in his report to the General Assembly (A/40/843, paras. 102-105) and in the report to the Commission on Human Rights (E/CN.4/1986/24, paras. 102 to 114) is still valid. The Special Rapporteur is still of the opinion that, when considering the effectiveness of these rights, it must be taken into consideration that, because of the conflict, the Government appears to control only a relatively small part of the country, other parts being controlled by traditional forces or becoming a kind of no-man's land where the civilian population has largely left, villages are partly or completely destroyed and the agricultural infrastructure has been systematically devastated.

51. In a study entitled "The legal status of the Afghan resistance movement" (1986, p. 7), Mr. Tabibi has described the administrative situation of and in the country as follows:

"Eighty per cent of the country is now under the control of the resistance forces and the commanders have their own administration, schools, hospitals, post offices and tax system in every province. Hazarajat is in the centre of the country with a population of 2 million and, since the beginning of the Russian invasion, has governed itself independently under its own local administration. Panjshir has been governed for a long time by its own commander, Massoud, the 'Lion of Panjshir', with a tax system, separate economy and agricultural policy. Panjshir's independence was even recognized by Russian military commanders, who signed the treaty of non-intervention in the area for one year. It is noteworthy that, when making this arrangement, the Soviet commanders did not invite their puppet régime to participate. Nangarhar, Vardak, Paktia, Kundar, Herat and Kandahar are also governed by their local leaders."

In addition, a reliable person with access to the country has reported that the Pargan area is under Jamiat administration; even large parts of the Panjshir valley and of the Kunar (Eastern Nuristan) are under traditional administration.

52. In these parts of the country, there is a traditional administration and, with the aid of Afghan relief committees, a number of health services exist and educational structures have been established.

53. Nevertheless, large parts of the country do not possess an adequate health service or an organized educational system. Thousands of children in particular are suffering from this conflict, and the Special Rapporteur wishes to repeat the

findings contained in paragraphs 102 (destruction of agricultural infrastructure), 105 (Afghan Labour Code and its restricted application), 106 to 109 (situation of the medical services) and 112 (situation in Kabul) of his most recent report to the Commission on Human Rights (E/CN.4/1986/24).

54. In the government-controlled areas efforts are being made to realize economic, social and cultural rights with foreign aid. For instance, it is reported that the Government of Afghanistan has concluded an agreement with the Government of the Union of Soviet Socialist Republics to establish 10 new technical vocational schools, a language centre and an industrial technicum. These institutions will be set up in Kabul, Shibarghan, Mazar-i-Sharif, Lashkar Gah, Jhumri and Kandahar. In a speech delivered on 27 May 1986, Mr. Najib said that there were 85 private industries in Balkh Province, but only 42 of them were operating.

55. It must be added that, according to information received from various medical staff in different hospitals for Afghan refugees and wounded persons in Pakistan, patients who had been in hospitals in Afghanistan in government-controlled areas had not been properly treated because of the lack of well-trained Afghan doctors in Afghanistan.

56. As stated in previous reports, according to various reliable sources ICRC has been negotiating an agreement with the Afghan authorities. These discussions, along with visits to various hospitals, allowed principles to be worked out for an ICRC operation involving protection for prisoners and assistance, in particular medical aid, for Afghanistan. Further discussions in the near future will focus on the scope of these activities and how they can be put into practice.

57. However, it seems that, even if ICRC hospitals were installed in government-controlled areas, they would not admit wounded or sick persons belonging to or suspected of belonging to opposition movements. Therefore, the Special Rapporteur is of the view that in the present circumstances the renewal of ICRC activities inside Afghanistan would only benefit a very restricted part of the population, as those in areas not under government control would only receive ICRC medical care if they sought refuge in Pakistan.

58. According to the testimony of a doctor experienced in health problems in the field, the presence of any medical service would automatically lead to the destruction of neighbouring villages; it is thus becoming increasingly difficult to provide appropriate medical services under the current circumstances. In addition, the medical corps is grossly inadequate. For example, of 2,000 physicians practising at Jalalabad and Kabul in 1980, only 675 remain today. Pharmacists, too, are under the control of the authorities and the purchase of any medication for the needs of the rural population is forbidden, with violators liable to arrest and interrogation as potential opposition sympathizers. Finally, no child immunization programmes exist outside Kabul. This situation is the result of the conflict; in addition, the fact that the opposition movements control certain provinces makes it difficult to establish an adequate infrastructure for implementing a nation-wide immunization programme. Nevertheless, the Special Rapporteur was informed that the United Nations Children's Fund (UNICEF), under an agreement with the Afghan authorities, is about to launch an immunization programme for all Afghan children throughout the country, in urban as well as rural areas.

59. There are three main points to be drawn from an analysis of the information transmitted to the Special Rapporteur regarding the general situation in Afghanistan:

(a) The efforts of the Afghan authorities are directed primarily against the economic structures which form the basis of the rural population's survival. Thus the authorities are slaughtering cattle, destroying irrigation systems and putting pressure on the small number of farmers to collaborate with the authorities and send their children into the military, or else risk having their harvests confiscated or even destroyed;

(b) Action is also being directed against school and health facilities;

(c) Action is being taken to neutralize tribal areas.

60. The situation regarding the right to education has been dealt with objectively in Les Nouvelles Afghanistan, No. 19-20, October/November 1984. This information is still valid.